

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-211

January 10, 2001

CENTRAL MAINE POWER COMPANY
Request for Approval of Special Rate
Contract with Shaw's Supermarkets

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY OF DECISION

By this Order, we grant final approval of the Amended and Restated Customer Service Agreement (CSA) between Central Maine Power Company (CMP) and Shaw's Supermarkets (Shaw's). We also grant final approval of the Third Amendment to that CSA.

DISCUSSION AND DECISION

On March 3, 2000, CMP filed with this Commission a proposed Amended and Restated CSA with Shaw's. The CSA provides for electricity delivery-only service, replacing the terms of the previous CSA for bundled service. On March 7, 2000, this CSA was granted temporary approval by the Acting Director of Technical Analysis.¹ On October 4, 2000, CMP filed with this Commission a proposed Third Amendment to its CSA with Shaw's that provides unbundled pricing through the term of the CSA. This Third Amendment to the CSA supercedes a Second Amendment that provided unbundled pricing through September (granted temporary approval by Order of the Acting Director of Technical Analysis dated July 28, 2000), a First Amendment that provided pricing through June (granted temporary approval by Order of the Acting Director of Technical Analysis dated June 2, 2000 in Docket No. 2000-471) and the Amended and Restated CSA that provided unbundled prices through May. On October 20, 2000, this Third Amendment was granted temporary approval by the Acting Director of Technical Analysis. The Orders granting temporary approval made no finding as to the reasonableness of the Amended and Restated CSA or the Amendments and indicated that such a determinations would be made after a more thorough review of their terms.

¹ In Docket No. 2000-164, the Commission delegated its authority under 35-A, M.R.S.A. § 107(4) to the Director (or Acting Director) of the Division of Technical Analysis to grant temporary approval of contracts modified to allow for transmission and distribution-only service.

We have since conducted such a review of the contract terms, as well as information submitted by CMP regarding the due diligence of Shaw's efforts to obtain generation supply. Based on our review, we have determined that the Amended and Restated CSA and the Third Amendment are reasonable and comply with 35-A M.R.S.A. § 3204(10).² Therefore, we grant final approval of the Amended and Restated CSA and the Third Amendment to the CSA pursuant to 35-A M.R.S.A. § 703(3-A).

Dated at Augusta, Maine, this 10th day of January, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

² Pursuant to the terms of the temporary approvals, this final approval is applicable to the going-forward period of the contract only. Therefore, because the First and Second Amendments have already expired, there is no need to grant final approval of them.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.